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Zygon, Job R.

Annual discourse
delivered before the
Historical Society of
Pennsylvania...

Phila., 1831



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ANNUAL
DISCOURSE
DELIVERED BEFORE
THE
HISTORICAL SOCIETY
OF
PENNSYLVANIA,
OCTOBER 24, 1831.

BY JOB R. TYSON, ESQ.

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At a meeting of "The Historical Society of Pennsylvania," held at Philadelphia, on the 24th day of October, 1831, it was

Resolved, That the acknowledgments of the Society are due, and they are hereby presented to JOB R. TYSON, Esquire, for his instructive and able discourse this day pronounced, and that he be desired to furnish a copy for publication.

From the minutes.

T. M. PETTIT,

Secretary, pro tem.

ANNUAL DISCOURSE.

GENTLEMEN OF THE HISTORICAL SOCIETY:—

The honour which you have conferred upon me in the invitation to deliver your Annual Discourse, cannot but excite a lively anxiety and deep solicitude. To say that I distrust my ability to meet the most moderate expectations which may be formed, would but feebly express the sensations of diffidence with which the task is undertaken. These apprehensions are in no degree diminished by the recollection of the learned and distinguished gentlemen who have preceded me in the performance of this duty; nor by a reference to the fact that the most splendid and captivating portions of Pennsylvania story, have been appropriated in a manner which renders a further attempt at elucidation alike presumptuous and unnecessary. Relying however upon the favourable consideration which your selection bespeaks, I shall throw myself upon your indulgence while surveying a period which from its recency, its importance, and the moral fruits it has produced, must ever challenge the admiration of civilized and enlightened man.

Whatever attractions the early history of provincial Pennsylvania may present, the period of the revolution is big with wonders, whether we regard it in relation to the events which occurred and the impression it has produced, or as the era for the establishment of a new and independent government and the principles which thence emerged into practice. The patriarchal government of Penn, which excluded all commotions save occasional controversies terminating at most in an angry debate or a copious effusion of ink, gave place to a scene which was at once novel and perilous. Pennsylvania was not unacquainted with the foundations of her political rights, nor was she wanting in moral courage to assert and sustain them. Her enlightened freemen were sensible, that as the Charter of the Province emanated from the Royal prerogative, an attempt to impose burdens by the authority of Parliament was a palpable and unrighteous usurpation. The spirit which was kindled at this appearance of oppression, was the same spirit of liberty which, under another form, had resisted the encroachments of proprietary privilege, and manifested itself from the earliest stage of our provincial existence, in a noble jealousy for those immunities which were originally reserved in the social compact. It was that identical spirit which, whether true or false, examined with scrutiny the acts of Penn and his successors, and submitted to nothing which bore the least semblance of political

encroachment or violated law. But when the flame of the revolution burst out, it was a wordy altercation no longer. The proprietary and popular parties crumbled into embers;—old feelings, antipathies, and prejudices ceased—or were so modified and changed that the traces of former differences were entirely obliterated. New views and opinions—hatreds more embittered, and friendships more deeply rooted—with their train of consequences, succeeded. It cannot be surprising, that on a question so momentous as that which involved the sudden disruption of political ties, there should be diversities of sentiment; nor that with a people who had enjoyed almost without interruption the pleasures of peace, there should be felt a repugnance to war. Attachment to the parent country as well as to existing establishments, was natural where both are recommended by the recollections of a free and happy ancestry, sanctified as these are by all those associations which render them endearing. If tyranny had left its impress upon domestic happiness or interfered with the civil immunities of the people, the passions of resentment and animosity might easily have been excited into action. But the war of the revolution was essentially a war of principle, less for injuries inflicted which could be felt, than in anticipation of evils that were meditated or intended. In a contest of such a nature, which appeals only to the higher sentiments of enlightened reason; in a quarrel upon a provocation

scarcely affecting the rights of property, and not violating those of persons ; it requires an elevation of moral character, an energy of political principle to enter the arena. To perceive abstract truth as reflecting men, and to reason upon indications as practical philosophers, is seldom given to a community at large. No higher evidences can be demanded of the moral and intellectual superiority of Pennsylvania and the other colonies, than the determined union of all classes against a gigantic power, for the purpose of effecting the rescision of a law, which, in its operation, was hardly perceptible.

Numerous, however, as were the adherents to the cause, and firm as were most in their allegiance to liberty, the feeling in Pennsylvania was not universal; and some from inveterate attachment to England, and more from the inflexibility of religious opinions, refused all participation. Factions of course, in a brief period, arose; and the whigs were sufficiently proscriptive to denounce as tories all who did not join the belligerent party. The Friends or Quakers, who formed the largest portion of those who declined, were inimical to war upon a ground of religious belief, that non-resistance was a cardinal duty. But the furious spirit of the times was unable to brook any appearance of neutrality—they were upbraided as tories or stigmatized as traitors, and two individuals were doomed

to the sacrifice. Let me not be understood as reflecting censure upon the court which pronounced their culpability, nor as questioning the expediency of measures of sufficient rigour to paralyze any tendency which may have appeared to insurrection and rebellion. Situated as was the country in a war, the unfortunate issue of which would have degraded and ruined those who fomented it, it was necessary for the purposes of example, to restrain a spirit which no doubt existed, destructive of the high-minded patriotism and chivalrous designs of its magnanimous leaders. But this spirit was confined to a few. Its prevalence was naturally magnified at a stormy period, when ‘the approach of tyranny,’ as Burke expresses it, ‘was snuffed in every tainted breeze,’ and sectarian scruples had the opprobrious and alarming name of popular defection. Subsequent writers, particularly those of other states, have tried the virtue of repetition to perpetuate the error. Those of the Quakers who are obnoxious to the censure of actively opposing the colonies, or secretly abetting the enemy, are freely surrendered to just scorn and merited reprobation. But the number is diminutive, and it should no more be visited upon the sect at large than upon the reputation of the colony that was so unfortunate as to own them. If, as it has been contended, a spirit of opposition was more extensively discernible among the Quakers than among the other religious sects, it is rather attributable to a false application of

fundamental principles than to the influence of affection for the parent country. As Christians they believed themselves bound to the preservation of peace, and the notion of considering an existing government in the light of an ordinance of God, worthy of obedience where it is just, and to be quietly submitted to where it is inequitable, involved the necessity of their taking no part in the quarrel.* Whatever may have been the sentiments entertained of Great Britain in attempting to tax the colonies without their consent, it would have been incapable, upon the ground they assumed, to influence their demeanour in reference to either of the conflicting parties. They were constrained to stand aloof from both, or which was tantamount in their estimation, their acts of friendship for one or the other, had no relation to the position of either, considered as belligerents. It presents a striking analogy to the case of oaths, which, independently of the truth of the testimony, as they are held by the Quakers to be forbidden, must in any event be peremptorily declined. In the extensive diffusion of the fact, that the Quakers as a body, did not participate in a sanguinary conflict, it seems to have been too frequently forgotten, that the business of a soldier is totally inconsistent with Quakerism, and that its assumption would imply the dereliction of a testimony which they hold to be sacred. Common justice requires that as well the reasons of their

* Vide Appendix, Note 1.

abstinence should be known, as that their forbearance was reciprocal, and only amounted to a strict and rigid neutrality.

Other circumstances have contributed to the perpetuation of this injustice, than those to which I have ventured incidentally to allude. The national feeling which was engendered by Pennsylvania's being the principal theatre of war—by being the locality of the first Congress—and by being the place whence emanated the Declaration of Independence—almost absorbed provincial attachments and local sympathies. Sectional predilections were exchanged for the brighter and more transcendent glory of the whole confederacy. The wise providence of her sisters in arms, while animated by the patriotic fire which sought to destroy the pretensions of Britain over the Union, did not permit them to be frigid upon the subject of their own reputations. They have blazoned their exploits in a hundred narratives and histories, and perhaps too sedulous of fame, have sometimes despoiled Pennsylvania of the laurels by which her brow should be adorned. Not content with assuming merits and gallantry which, perhaps, they legitimately claim, the disposition has been frequently observed to filch from Pennsylvania some of 'the mighty meed of *her* large honours,' by attributing to cowardice or toryism the effect of religious tenets, and by ascribing to the state at large the dis-

affection of a few. During all this period—a period beyond half a century—we have so far acquiesced in the justice of these reproaches as to maintain the profoundest silence; and though *vires acquirunt eundo*, not a production has appeared which aspires to the dignity of defending the purity and patriotism of her course by an authentic narrative. The materials for a history lie scattered in the richest profusion over works which, to the burning shame of our patriotic sensibilities, be it spoken, are seldom examined. That part of our story which is interwoven with the country, is accessible in every form in which it can be presented, by compilations of original documents—the attraction of personal memoirs—and the graver productions of elaborate histories. But where are the narratives of Pennsylvania in particular, subsequent to the year 1775? The total absence of any sober and authentic development of her transactions, sufferings, and services, has not been without its effects upon the currency of opinions involving the detriment of her revolutionary fame. Of the two histories which are extant, the one by Proud nominally terminates in 1770, and that by Gordon ends with the year 1775. It was reserved to Ebeling, a German, to illustrate the stirring events of the revolution, and to deduce our domestic annals to a recent period. This work, so little known to English readers except that small portion of it which is seen through the medium of an excellent translation by

the venerable Duponccau, terminates in 1802. However worthy of commendation it may be regarded, considered in the light of a literary production, it was intended only to be general and succinct, and is the composition of a foreigner, who, removed from the scene of action and partaking of little of the spirit of the times, must frequently be at a loss to account for obvious occurrences, and can impart to the subject little of that glowing interest of which, in the hands of an American, it is naturally susceptible. Just thoughts and harmonious periods can scarcely compensate for the absence of that *vis viva* with which it should be drawn and coloured. The amusing and vivacious memoir by Graydon, is too loose in its facts and too rambling in their development and discussion, to supply so serious a desideratum.

The absence of a formal history during and since the revolution, has not only proved injurious to the fame of our civic patriotism, but it conveys a really mortifying reflection upon our indifference to national glory. From the labours of this society; the accumulations of Mr. Hazard; and the curious researches of Mr. Watson; the historian can labour under no paucity of materials. The selection of an individual who is competent to such a task, by the charms of an elegant and finished English style—by philosophical studies—by liberal and enlarged views

is a matter of very general, even public concern. The reputation of a country and the moral influence of her example upon her cotemporaries and posterity, must essentially depend upon the ability of her historians. How can the one or the other of these be effected, but through the medium of a performance whose intrinsic and superior merits shall command the esteem of other countries and of other times? The brilliancy of great events, or the glare of imposing successes and dismal catastrophes, is not necessary to the preservation of a people's memory or the perpetuity of a people's influence. The nation whose opening effulgence and meridian splendour are embalmed in the pages of a Livy, and whose decrepitude and decline are recorded by the pen of a Tacitus, is less indebted for her fame to the power of her arms and the wisdom of her counsels than to the elegance of her historical authors. Would not the bays of ancient Greece long since have been faded or obscured, if the genial and kindly influences of Homer, Herodotus, and Thucydides had been withdrawn? Such events as the Persian and Peloponnesian wars and the expeditions of Alexander, which comprise the principal exploits of that celebrated people during the lapse of three centuries—illustrious as they are,—may have been surpassed by nations whose memory, not perpetuated by genius, is lost in the mists of remote antiquity. A smile may perhaps be excited

at an allusion to the ever enduring fame of Greece and Rome, with relation to the domestic transactions of Pennsylvania; but it would not be improper before the contemptuousness of ridicule be indulged that our history, before, during, and since the revolution, be fairly examined and truly known. Genuine philosophy unfettered by the trammels of education and uninfluenced by eclat, will coolly scan premises and investigate facts, before she will pronounce a decisive judgment. In imitating this prudence let us be guided by no blind or vainglorious partiality, but contemplate with calmness, some of the broad lines of the image which it will be the duty of our historians to exhibit.

It is not my intention here to advert to her early history, nor to refer to the noble-minded pioneers of the wilderness to desery the germ of a race, destined to an elevation of fortune remarkable throughout future time. I am to speak of her history from that period when her existence as a separate nation commenced—when there was a dissolution of former ties—and when new sympathies and connexions sprang into being. The revolution in Pennsylvania, by a self-devotion to the cause which could only have originated in the conviction of its justice, was marked by domestic distresses, both personal and pecuniary, which would have cooled the ardour of any people in whose breasts liberty was not an

unextinguishable principle. The general destitution and unfitness for war, has been well described by the Canada Major in Graydon, that we possessed "commissaries without provisions; quarter masters without stores; generals without troops; and troops without discipline." Notwithstanding all these motives to despondency, which from the actual presence of the enemy must have operated more directly in Pennsylvania than in the sister colonies, the flame that was kindled diffused itself with incredible rapidity, and burnt with a bright and constant lustre. She offered herself for immolation upon the altar of liberty, and was a consenting victim to the sacrifice, if it should be necessary to the salvation of the country. But though the revolution itself, both for the purposes of truth in the removal of unmerited obloquy, and the exhibition of our civic spirit under the pressure of calamitous times, be a glorious theme for historical narrative and commentary, yet it is but an epoch whence commences a new order of things equally calculated to elicit the admiration of the world.

The Congress of the United Colonies, having declared their independence, recommended by a manifesto that conventions should be held to establish their respective governments upon a republican basis. The same month witnessed a compliance with the recommendation by Pennsylvania, and the

Constitution of '76 which was the consequence, recognised those great principles of political right which, in all natural codes, must be regarded as fundamental. Four years afterwards, in further vindication of those immunities which, in common with the confederated colonies, she had solemnly declared were inalienable, means were taken to annihilate the odious incongruity of legal bondage by conferring upon negroes and mulattoes, the boon of liberty and the privilege of denization. It may create surprise that this act of justice was so long delayed, but the extensive prevalence of slavery seems to have rendered our commonly just and clear-sighted progenitors, for a long period, indifferent to its flagrant inconsistency and odiousness. Even a majority of the quaker sect so late as the year 1688, declined responding to the sentiment entertained by a number of their brethren in Germantown, that slavery was inconsistent with the Christian faith; and it was not until 1696 that Keith and his adherents denounced the institution as unjust and irreligious. As soon as its impropriety became apparent, this great object employed the pens and tongues of our philanthropists with the fervour and animation of a good cause, and all who have investigated the history of its progress will ascribe to the efforts of Friends successively aided by Southeby, Sandiford, Lay, Woolman, and Benezet, the merit of its final accomplishment.*

* Vide Appendix, Note 2.

Soon after the struggle had terminated by the recognition of independence, Pennsylvania, true to the principles of her early policy, began to remodel her civil jurisprudence by rendering it more consonant with the suggestions of unsophisticated reason, and the practical doctrines of modern times. The common and statute law of England blended together as they are—administered in different tribunals under the guidance of different and conflicting principles—and handed down from ages characterized by quaintness and absurdity—was thought in many of its features to be unsuitable to a country whose political maxims and forms of government were so contrariant and dissimilar. By virtue of the charter granted by Charles 2nd to William Penn, the criminal code and those civil regulations of Great Britain which were applicable to the condition of a new country, were to prevail till changed by the colonial legislature. Numerous alterations were made, which display the republican tendencies of the province, and the views that were entertained in relation to the laws of England. The refusal to erect a Court of Chancery; the destruction of the rule of primogeniture; the declaring of navigable rivers public highways; the provisions in relation to wills and testaments and the registry of deeds and mortgages; altered the complexion of the English code in most of its distinguishing features. It was not deemed necessary, immediately after the

revolution, to do more than re-enact what had existed before, and to leave to observation and experience the labour of correcting further improprieties and abuses. By the Declaration of Independence the force of British authority as such, was destroyed in the United Colonies, and of course British adjudications made subsequent to the 4th of July, 1776, had no validity in our Courts of Justice. The improvements since introduced into this state, are so numerous and various that it would require a volume to define and expound them with that perspicuity and precision which the magnitude of the subject implies. Suffice it that the abscision of that chain of legal figments which are requisite to sustain the action of ejectment in England—the introduction of *short pleading*—the permission to file a plain statement of the cause of action in lieu of a technical *declaration*—the ample provisions which have been made for amicable and compulsory arbitration—and the ingraftment of the principles of scientific equity into the body of the Common Law,—have contributed to render the forms of our jurisprudence less entangled and perplexed to the popular vision, and more conformable to the common sense of mankind. In the prosecution of that reform whose spirit is so observable in each successive act of the legislature, it would not be surprising if a great and fundamental change should be made in the administration of civil justice. Without ven-

turing to express an opinion whether *codification* so popular at the present day, should be ultimately adopted or be really desirable, we may confidently leave it to the very able jurists, to whose hands is committed the preparation of a modified system. As it stands with all its imperfections, it has received the involuntary homage of English lawyers, in the proposition to transfer without acknowledgment, many of its provisions into their own jurisprudence. The most beautiful feature in the scheme perhaps, is the combination of the rules of Chancery with the doctrines of the Common Law, by which most of the benefits of equity proceeding, are realized and secured without any of the inconveniences arising from a separation of the two jurisdictions. The origin of this incorporation has been ascribed to the establishment of a provincial judicature which, in the year 1684, amalgamated the principles of both. No evil should be more vigilantly guarded against, than opposition in the sentiments of a community to the legal system; and what has a stronger tendency to create disrepute than the spectacle of two tribunals, acting upon inimical principles and arriving at opposite results? The maxims which govern a court of Equity are frequently incompatible with the rigid doctrines of the Common Law, and the decrees of the Chancellor are sometimes found in direct contravention of the decisions of the ordinary tribunals. It has been the difficult task of our judiciary slightly assisted by the

legislature, to reconcile these discordant elements, and to reduce them into a harmonious union.

By a long succession of decisions the two have been combined upon systematic rules, adequate to almost every emergency, and yet not encroaching upon the established landmarks of the law. The chancery powers to perpetuate testimony; to obtain evidence out of the state; to superintend the persons and property of *non compos mentis*; and to compel indirectly the specific performance of a contract; are powers in habitual exercise, and all except the last, conferred by the Constitution. It is true, we do not possess the chancery appeal to the *conscience* of a defendant, except so far as relates to affidavits of defence; nor the prohibitory writ of *injunction*, except the legislative writ of *estrepement* issued during the pendency of an ejectment to prevent the commission of waste. But the loss of these is seldom felt in practice, since they are partly supplied by the provisions referred to, and the flexible nature of the system itself which would, no doubt, enable the Court to apply a remedy where otherwise there would be a failure of justice. To perfect what his predecessors had begun, the late learned and amiable Chief Justice of Pennsylvania, lent all the resources of his well disciplined and discriminating mind. Without entertaining any wild and chimerical notions of equity, inconsistent with the general doctrines of a technical

science, he strove to attain all the advantages while he studied to avoid the imperfections, resulting from the separation of the two tribunals. In reserving the application of equity to those anomalous cases which the general law did not seem to contemplate, or to which it had denied a remedy, he has attempted the erection of a structure laid upon the most solid and broad foundations. It only remains that the distinguished individuals who survive him upon the bench, or who have been subsequently appointed, shall prosecute what has been so nobly begun, and nothing can prevent its attaining the ultimate end of all law—the dispensation of substantial justice.

But it is not merely the civil branch of our jurisprudence upon which we can dwell with complacency. Our criminal system has undergone revision and amendment, and presents in its punitive features a spectacle which is certainly pleasing, when compared with the sanguinary inflictions which at once deform and disgrace the European codes. I would not be understood as attributing the origin of this reformation to the revolution, for mild punishments have always been acceptable to Pennsylvania, and existed from the settlement of the province to the year 1718. Upon the death of Penn the vindictive rigour of the English penalties was substituted for a code, the lenient provisions of which excluded the punishment of death from all offences except the most

flagitious grade of felonious homicide. Soon after the authority of the mother country which imposed this odious system upon her infant charge, was abolished, the legislature complied with an injunction of the Constitution of 1776, touching the mitigation of her penal enactments. The act of 1786, besides assuaging the punishment of crimes which were not capital before, and removing the penalty from three high offences, rescinded those foul provisions of British law which denounced confiscation for death by casualty, and the forfeiture of the estate of a *felo dese*. The humane clemency of this law was not only preserved in the succeeding acts of 1790 and 91, which accelerated the work of reform so propitiously advanced, but the latter, with a laudable boldness and praiseworthy liberality, struck from existence the ridiculous crime of conjuration, and the barbarous proceedings of the law of England in cases of *muteness* and contumacy. For the purpose of aiding the legislature with the voice of experience, a legal gentleman well fitted for the task, was appointed to report upon the operation of the mild laws which had already been enacted. The report presenting such a mass of facts in reference to the diminution of crime, and pervaded as it was by philosophical remarks upon the legitimate objects of punishment, elicited the great revolutionary statute of 1794, which changed the whole aspect of our penal jurisprudence. The unwarrantable distinction between petit treason and ordinary

murder was stricken from the statute-book, and death was reserved for that felonious atrocity which is displayed in the commission of deliberate and premeditated homicide.* Recent circumstances have shown that, notwithstanding the inefficacy of this kind of retribution as a remedy; its repugnance to the sentiments of the people; and the great example of the Duke of Tuscany, in whose dominions it is repealed; our legislature is not prepared to efface the blot from our code. But it must not be forgotten that those improvements in our penitentiary discipline, which have led to an abridgment in the terms of incarceration, suggest additional reasons for the abolition of so odious and revolting a punishment.

As a consequence of this penal reform, at once concomitant and inevitable, the economy of prison police, claimed early and lively attention. After intense labour and large expenditure, philanthropists have been gratified with the recognition of the principle of total seclusion in the erection of buildings devoted to this object. A history of the efforts made to accomplish this great undertaking, and the distrust which is still manifested in relation to its ultimate effects, would furnish an instructive commentary upon those tendencies of the human mind to adhere to opinions founded upon a plausible theory, or recommended by a high antiquity. The plan of separate confinement originated with "The Philadelphia Society

* Vide Note 3, in the Appendix.

for alleviating the miseries of Public Prisons," whose birth was so early as 1776; but the prosecution of its benevolent designs being obstructed by the British army, it languished till 1787, when it was re-organized under the title which it still retains. The perseverance of the beneficent Howard in so uninviting a sphere, is not more remarkable than the indefatigable philanthropy by which the members of this association have ever been animated and distinguished. Many of the meliorations in our criminal polity are justly attributable to their exertions, as well as that improvement in prison discipline to which I advert.—For the purpose of ascertaining the nature and importance of the alterations which were from time to time introduced, as well as the character of what is now accomplished, it is indispensable to refer to the old system in vogue. Under the sanguinary code of Great Britain it was thought unnecessary to devote much attention to the internal economy of prisons, since, to great numbers of their inmates, they were merely anti-chambers to the gallows. To many they were places of very temporary residence—the sojournment of a few brief nights. The unfortunate, but perhaps respectable debtor; the depraved and abandoned felon; the young delinquent; the hardened offender; and all, without distinction of crime or sex; were immured in a close and corrupting assemblage. The only consequences of an intercourse so promiscuous, unnatural, and dis-

gusting, were the increase of guilt and the destruction of innocence. Though the advantages of complete separation, of entire solitude, were perceived at an early period, the Society was satisfied with the removal of the debtors, the separation of the sexes, and the classification of the prisoners, according to their ages, and the turpitude of their offences. These alterations, and others of minor magnitude, were accomplished by the several Acts of Assembly passed in 1786, '90, and '95. Posterior statutes for the erection of a Bridewell, and the slight modifications in prison police, all looked with an unwavering eye to the great object of hard labour and unmitigated privacy. It was not until the year 1818, that the legislature recognized the principle of solitary confinement, by appropriating money for a penitentiary upon that basis, for the western extremity of the state. That penitentiary, and the one commenced in the year 1821, at Philadelphia, are now in successful operation, silently eloquent by their effects in removing the doubts of the timorous, and demolishing the fallacies of the unfriendly. A paramount difficulty which the adherents of solitary confinement encountered, was, to defend it against the advocates of the Auburn prison at New York—a plan which is borrowed from the *Maison de Force* of the Netherlands, and which has received from its friends in Europe the most unqualified approval. While it may be admitted to be superior to the European establish-

ments, and possessing recommendations of an imposing order, it need not be concealed that in some of its features it is opposed to the spirit of Pennsylvania policy, and that the adoption of it here would have been a positive retrogression. The discipline is enforced by severe flagellation, inflicted for the slightest violation of prison law, which prohibits all ocular and oral communication among the prisoners. According to the practice in Pennsylvania, ever since the year 1794, the intercourse had not been constant but occasional, since confinement to solitary cells had formed a portion of almost every judicial sentence. The ignominy of corporal correction, so revolting to the natural sensibilities, and so inimical to the genius of our institutions, was abandoned with disgust by our legislature, as early as 1795. As the prevention of intercourse at Auburn is proved to be impracticable by its continuance in the face of the most relentless rigour, the scheme was believed to have defects which we sought to obviate, and to possess but the single advantage of separate dormitories over the old one prevailing in Pennsylvania. The experience of nearly two years, during which period the Eastern Penitentiary has been the recipient of convicts, has been shown, from abundant testimony, to justify the sanguine predictions of its friends. The mental power remains unaffected by privacy, except that the heart is chastened and the passions are subdued. The health is invigorated, and industry confirmed

by toil voluntarily pursued to beguile the tedium and drive away the *ennui*, inseparable from idle seclusion. As the persons of the unfortunate criminals are unknown to each other, no obstacle upon enlargement, can prevent the establishment of character, nor the reduction into practice of those virtuous resolutions which were suggested and formed in the retirement of solitude.*

But the historian of Pennsylvania will not merely do justice to her prowess, patriotism, and sufferings during an eventful era, and illustrate the symmetry of her political form, her civil jurisprudence, her criminal code, and penitentiary discipline—but with a more comprehensive eye he will survey the peculiarities of her physical and mental condition as displayed in the facilities presented for internal commerce and the conveniences of life—in the refinement of manners and cultivation of literature and the arts. He will look abroad for those exhibitions of enterprise or indications of sloth, those monuments of taste or memorials of barbarism, which lie scattered over the physical surface in the forms of thoroughfares, improvements, and pursuits; or are buried in the maxims upon which social conduct is regulated, and the various performances emitted from the press. This opens to a liberal mind a wide

* See Note 4, in the Appendix.

field for bold conjecture and philosophical commentary. It must try, to their utmost tension, the powers of description and narrative, and put in requisition all the resources of study and thought. In attempting a rude sketch of the extensive region he must explore, I can only exhibit some faint conceptions of the scene which may be drawn by a competent pencil upon a larger canvass.

The physical arts which administer to the necessities and conveniences of life, are pursued with ardour and success in all their diversities. From the manufacture of the simplest instrument of labour up to the great designs of architecture and ship-building, the ingenuity of our mechanics and artists suggests a theme for the proudest eulogy. Those portions of the soil which present inequalities of surface, and are not teeming with vegetable esculents, abound in rich and precious minerals. In a country whose territory is so extensive, and whose sources of wealth lie in distant places and almost impervious tracts, it seemed necessary that nature should be assisted by the exertions of genius and art. To give these facilities the *internal improvements* of the state were commenced, and to her may be ascribed the distinguished honour of having expended more than any state in the Union in these improvements, and of setting a splendid example in the construction of turnpikes and bridges, of ca-

nals and rail-ways. It has been estimated that since the year 1791, the disbursements of the treasury and of corporations for these objects, have amounted to about 37,000,000 of dollars. Since the year 1792, 168 companies have been incorporated for the purpose of constructing *turnpikes*, and it has been calculated that passable roads have been made by these societies to the extent of about 3000 miles. The first turnpike commenced in the Union is said to be that which extends from Philadelphia to Lancaster, and by its connection with roads subsequently made, a continuous line of turnpike now extends from Trenton upon the Delaware to Steubenville in Ohio. The cost of this thoroughfare which stretches a distance of 343 miles, including the bridges on the way, has been ascertained to transcend the celebrated road of Napoleon over the Simplon. The number and superiority of the bridges of Pennsylvania, have given rise to the appellation, 'The State of bridges.' Upwards of 70 corporations exist in different sections of the state, and by those which have gone into operation, 63 bridges* have been erected at an expense exceeding \$3,000,000. Of all the structures of this kind in America, the Permanent Bridge over the Schuylkill at Philadelphia, erected by a society incorporated in 1798, is the most substantial and magnificent. The foundation of the western pier is laid more than 40 feet below the level of the river's surface—a depth surpassing any bridge of modern

* See Appendix, Note 5.

times. It may be observed that the introduction of chain bridges into Europe, where they have wonderfully multiplied, was induced by the success of a novel enterprise undertaken in 1816, by Messrs. White and Hazard, who suspended a bridge composed of iron wires over the Schuylkill, in the form of a catenary curve. The idea of facilitating communication in Pennsylvania by means of canals, though not carried into execution until after the revolution, was suggested by the genius of her Founder. With a sagacity which nothing could elude, Penn discovered the feasibility and foresaw the importance of connecting 'by water' the river Susquehanna with a branch of the Schuylkill. The suggestion is the more remarkable since at that early period canals and turnpikes were unknown in Great Britain. The distinction of introducing the subject of canals to public attention has been conferred upon Pennsylvania by a writer of very respectable authority.* Without mooted the question whether the completion of any of these undertakings was anterior to all others in the United States, it is sufficient to mention as some evidence of the spirit which animated Pennsylvania, that David Rittenhouse and Dr. Wm. Smith in 1762 levelled and surveyed the route for that communication by water which has since been accomplished by the Union Canal; and that the Philosophical Society in 1764 ordered a survey for a canal to connect the waters

* Appendix, Note 6.

of the Chesapeake and Delaware. The projectors of the former work entertained views of the most imposing and gigantic description. They had the boldness to contemplate a junction of the eastern and western waters of Lake Erie and of the Ohio and Delaware, a distance of 580 miles,—opposed as was the project by the intervention of the Alleghany mountains, and by the difficulties of penetrating the almost illimitable wilds of the great valley of the Ohio and Mississippi. In the year 1791, about a century after the idea of water communication had been started by Penn, the actual commencement may be dated of those daring projects in Pennsylvania, which now intersect and unite almost every important part of the country. The first act passed in America for the construction of a railway, was that by our legislature in granting permission to Mr. Stevens and others to connect Columbia on the Susquehanna with Philadelphia. This enterprise, which the state has completed in consequence of its abandonment by the individuals to whom the authority was given for its execution, was only the precursor of others which shall connect, by a continuous railway, the Delaware with the Ohio and the lakes.

This reference, meagre as it is, to the practical capabilities of Pennsylvania, and the liberality which has marked her career in public improvements, furnishes some index to the manners and intellectual

condition of her people. It is a subject of surprise and regret, that an opinion so erroneous should prevail in some of the other states of the union in relation to her character in both. Is it not a solecism to suppose that a legislature whose history is distinguished by undertakings so vast, and expenditures so daring, should have no intrinsic greatness of materials? Is it reasonable to imagine that the people from whom its members must emanate, and from whom is primarily derived the conception of enterprises so glorious, have no mental elevation, no sound intelligence? If the principle be just, that the tree is known by its fruits, the character of our state should be exalted in a judicious estimation far beyond that of her revilers. The ignorance which is imputed to the state at large is a partial ignorance of the English language among that handful of a worthy race in the interior of Pennsylvania, so respectable for their industry and laudable for their virtues. As the purposes of life require that there should be ‘hewers of wood and drawers of water,’ so in contributing to the public weal by the fulfilment of their lots as plodding farmers or laborious artizans, they merit the encomiums as they must receive the respect of patriots.

Upon a comparison of the number of newspapers now published in the state with what were issued at the revolution and are now printed abroad, we shall find that the *common* mind of Pennsylvania cannot

languish or decay for want of a generous sustentation. Between the settlement of the province and the year 1775, there had sprung into being about sixteen newspapers in the English and German languages, but few of these were destined long to illuminate the colony. Lights which shone vividly for a time, were soon extinguished for want of the necessary aliment, and these were succeeded by others which, after dispensing a flickering and momentary glare, were destined in their turn to go out for ever. It was seldom, and for brief periods, that more than three or four existed simultaneously, and from 1762 to 1773 only three papers were circulated at Philadelphia. According to Thomas's History of Printing, the year 1775 gave birth to five newspapers and a magazine; but the war suspended or terminated the publication of the latter and two of the papers—a third was destroyed by fire—and of the two remaining, one survived till 1778 and the other finished its career in four years afterward. The magazine is pronounced to have been meritorious for the character of its literary contents, though its principal contributor was a personage neither greater nor less than the notorious Thomas Paine. But that age was not without luminaries of a superior order. Dickinson, to whose 'Farmer's Letters,' Ramsay ascribes the impulse of the revolution, Rittenhouse, Franklin, Rush, Ewing, Hopkinson and Galloway, formed a constellation of no ordinary magnitude. They surrounded that day with a

splendour, and gave to it a celebrity which must ever reflect a brightness upon Pennsylvania.* To enable us to ascertain with some little precision the character of our intellectual advancement, we must take into consideration the condition of a new country, requiring the application of its energies to subjects uncongenial with erudite researches and literary success. Though many of the writers, who have since acquired distinction, flourished during the revolution, and may be classed with either division, I may perhaps be justified in referring to Parke, Graydon, Samuel Stanhope Smith, West, Fulton, Dennie, Linn, Brown, and Godman, as authors and geniuses who belong more particularly to a subsequent period. So many circumstances may operate adversely to the display of great powers in literature—the diversion of the public mind to practical objects, and a temporary indifference in the public taste to the elegancies of literary composition—that an entire destitution of eminent men should furnish no criterion of the national intellect. The commanding eminence of the bench and bar of Pennsylvania, the learning and acuteness which have marked the medical profession, the erudition and eloquence of the clergy, the high estimation of our various seats of learning, and above all the unrivalled reputation of a great medical university, indicate no dearth of talents, no want of devotion to study. Public libraries are to be found,

* See Note 7, in the Appendix.

perhaps, in every county of the state, and the atheneums established in petty villages, evince a diffusive zeal for knowledge and an ardour of liberal inquiry, to which it is difficult to point out a parallel. Among the literary institutions of the United States, the Philadelphia Library, and the American Philosophical Society, deserve a prominent station, if indeed, they be not altogether unrivalled and transeendant. The library which, in its inception and early progress, had to struggle with very restricted and even contemptible resources, has assumed a magnitude which in the number and value of its books, surpasses any collection on this side the Atlantic. Though its existence was so early as 1731,* the number of its volumes in 1785 did not exceed 5,487. In 1806 they amounted to 14,218, showing an augmentation in twenty-one years of 8,731 books; and in the twenty-five years which have since elapsed the amount is more than quadruple—the number being now estimated at more than 37,000 volumes. A cursory inspection of the voluminous catalogue will suffice to discover the character of its ingredients, and to exhibit in its contents as well the rarest gems of antiquity as many of the useful and elegant productions of all nations of modern and subsequent times. The American Philosophical Society was originally established at Philadelphia in the year 1743, and formed a junction in 1769 with another literary

* See Note 8.

association of similar objects and design.* Though at first devoted to the natural and mathematical sciences, it now embraces in its circle of investigations the antiquities, topography, geography, statistics, and history of the state and country. Little need be said of an institution which can display in imposing succession upon its scroll of Presidents, such names as Franklin, Rittenhouse, Jefferson, Wistar, Patterson, Tilghman and Duponceau. The ten volumes of Transactions published, including the volume which has been issued by the Committee of History, demonstrate an ardour of literary enterprize and a depth of research, a plenitude of mind and a variety and profundity of attainment, which reflect the highest credit upon the country. The contributions of Franklin and Rittenhouse, of Dr. Smith and Francis Hopkinson, are characterized by a native amplitude of soul, capable of adding to that science which looks into the sublime and awful mysteries of nature, a comprehensiveness of conception and a boldness of discovery, which lie beyond the grasp of the narrow, the timorous, and the weak. But, undazzled by the splendour of a philosophy which penetrated into the immeasurable regions of the planets and the countless wonders of the galaxy, and that which subjected to human controul the terrific lightnings of heaven, let us be just to the more homely, but not less practical monu-

* Note 9.

ments erected by patient thought and sedulous reading. It is to these fruits of genius and toil, we are indebted for the speculations of a learned and ingenious philologist, which unfold to us the amazing beauty and very artificial structure of the Indian idioms, and which plausibly exhibit perhaps conclusively prove, that the red men of the American forests, however separated by distance and marked by contrariety of habits, are united by the relationship of a common ancestry—by the ties of an identical origin. If, before and during the revolution, Pennsylvania could boast, in this institution, of a Godfrey born, and a Franklin educated and adopted, we may yet claim a Rittenhouse, a Wistar, a Patterson, a Tilghman, and a Godman—not to mention many eminent survivors, contemporary with that illustrious group.

Taking the relative number of periodical works as a guide by which to estimate our advancement or recession, we have every reason to be satisfied with our lot—every inducement for the indulgence of national complacency. In the year 1775, including the periodicals which then had commencement with those which existed antecedently, the aggregate number of published sheets and magazines did not exceed *nine*. In 1810, they had increased to seventy-one, and in 1828 they amounted to one hundred and eighty-five, a number greatly

exceeding the ratio of augmented population, and more than equal to any two states in the Union, with the exception of New York. The number of literary works annually published at Philadelphia, not only transeends that of any other city in the Union, but is estimated to be nearly equal to them all united. These comprehend native works, and reprints of that endless variety of productions with which the European press is teeming, from the lightest novel and poetry of the day, up to the most daring reaches of philosophy and the nicest points of philology and criticism. The reasonable proportion of these upon music and the fine arts, attests the tendencies of the public taste, and indicates that stage in the educated mind when it has received the last impress and polish of refinement. It argues that beauty of mental perception and exquisite delicacy of feeling, which are connected with elegance of manners, and the highest culture of the understanding.

Though it forms no part of the business of an historian, in recording past and present events, to look forward to the future, we may not deny to ourselves the pleasure of contemplating in prospect the high destiny to which Pennsylvania is hastening. Unostentatiously she has been constructing a system of politics and jurisprudence founded upon the rights of man and the true interests of human nature; the asperities of a wilderness have been smoothed—its

wildness subdued; and her skill, her resources, and her talents, are in a course of development by the application of means the most judicious, because the most easy and natural. Eschewing those follies in civil jurisprudence, and those abuses in criminal punishment, which had their origin in the dark and barbarous ages of Europe, and disdaining all shackles upon liberty but those imposed by reason and nature, what can prevent the attainment of that mental keenness and moral elevation, which effect such glorious triumphs and produce such superior results? If the other states who are behind, shall be emulous of her high example, this confederacy may disclose to the world, if not the military achievements of Greece and Rome, at least the peaceful virtues by which they must ever inspire the admiration of posterity. Shall I be told that the anticipation is too flattering? Is there a probability that it will prove illusive? No: while the old world is sinking down the political and intellectual horizon, beneath the accumulated weight of years and of vices, America may be seen rising from her ruins, fresh as the morning and towering as the eagle, to run her race of virtue and of glory!

APPENDIX.

(NOTE 1. p. 10.)—William Penn has very laconically but clearly expressed the belief of his sect upon the subject of *government*, in his second reply to a committee of the House of Lords, appointed in 1678. “First,” says he, “we believe *Government* to be *God’s Ordinance*; and next, that this PRESENT government is established by the Providence of God and law of the land, and that it is our Christian duty readily to obey it in all its just laws; and wherein we cannot comply, through tenderness of conscience, in all such cases, not to revile or conspire against the government, but with Christian humility and patience tire out all mistakes against us, and wait their better information, who, we believe, do as undeservedly as severely treat us; and I know not what greater security can be given by any people, or how any government can be easier from the subjects of it.” In conformity with these principles, and their testimony in relation to peace, Friends, during the progress of the revolution, instituted examinations into the conduct of their members, and all who were found to take part either with the Americans on the one side, or with the British on the other, were without exception disowned. For the purpose of showing the sentiments upon this subject, of an enlightened foreigner who travelled through this country in the year 1788, I translate from a book entitled, “*Nouveau Voyage dans les Etats-unis de l’Amerique Septentrionale fait en 1788; par J. P. Brissot (Warville,) Citoyen Français,*” certain portions of long passages which are unaccountably omitted in the English translation of that work,

published at London in 1792. I need not apologise for the length of the following passages which I translate.

“It was at this epoch, particularly (a *cette époque surtout*, meaning the revolution,) that an animosity was excited against them (the Quakers) which is not yet entirely allayed. Faithful to their religious principles, they declared they could take no part in the war, and disowned or excommunicated every member of their Society, who either served in the American troops or British army. I must confess that thoroughly assured of that sacred and divine principle which authorises armed resistance to oppression, and entirely convinced that here the oppression was manifest, I could not avoid blaming the neutrality preserved by the Quakers whilst their brethren were struggling for the acquisition of independence. But notwithstanding *my* principles, I do not the less think that the violent persecution of the Quakers for their pacific neutrality was essentially wrong.

“If their refusal had been the first of this kind; if it had been only dictated by their attachment to the British cause; if it had only served them to conceal the secret proofs which they might have given of this attachment; certainly they had been culpable and perhaps persecution had been lawful. But this neutrality was enjoined upon them by the religious opinions which they profess and have practised from their origin. But exclusive of this, whatever prejudiced or ill informed writers may have asserted, the truth, which I have taken great pains to obtain, is, that the majority of the Quakers did not incline more to one party than to the other, did good indifferently to both, and in fact to all those who stood in need of assistance. If some of the society of Quakers served in the British army, there were some likewise who served in the American army—and amongst others may be mentioned the names of the Generals *Green*, *Mifflin*, and *Lacy*; but the society excommunicated indifferently all those who took up arms. * * * * *

“I have heard no one speak with more impartiality of the Quakers than this celebrated man (alluding to Washington,) whose spirit of justice is particularly remarkable. He acknowledged to me that in the course of the war, he had entertained an unfavourable opinion of the society; he in fact knew little of them, because at that period there were but few members of this sect in Virginia. He attributed to their political sentiments what was the effect of their religious principles. When he encamped in Chester County, principally inhabited by Quakers, he supposed himself to be in an enemy's country, as he could not induce a single Quaker to act for him in the character of a spy. But not one served as a spy against him in the employ of the British army.

“You will nevertheless find a fact contrary to this assertion advanced by the detractors of the Quakers; but the source of their error is easily discovered. As the Quakers frequently travelled through the midst of both armies without passports, and as they were ultimately looked upon without umbrage by both, the spies, to transact their business with more safety, disguised themselves in the dress peculiar to Quakers. Many were hung in this habit, and from hence arose their accusation against the Friends.

“General Washington having since better understood the spirit of the Society, concludes by esteeming them. He acknowledged to me that on considering the simplicity of their manners, their fondness for economy, the excellence of their morals, and the good example they afforded, joined to the attachment they showed for the constitution, he regarded them as the best citizens of the new government, which required a great degree of obedience and the banishment of luxury.

“It was not under this point of view that they were considered by the Congress who laid the foundation of American Independence. Furious at the resistance which the Quakers opposed to them, they joined the people who persecuted them; and it must be allowed that they banished

without any foundation, to Stanton in Virginia, to the distance of two hundred miles from their families, the heads of the Society who were the most offensive to them. Their defence was not heard and they submitted, &c.”

(NOTE 2. p. 17.) Perhaps the first act of any government admitting slaves to any thing like an equal participation in ordinary rights, is the law of Rhode Island, made in the 1562. It prohibits under a penalty the retention of slaves for a longer period than ten years, and requires them to be manumitted at the age of 24 if introduced into the colony before 14. When England, who has never very anxiously promoted the cause of liberty out of her own insular boundary, has cast a compassionating glance upon the West Indies, and when the despotic government of Austria has proclaimed freedom to all slaves, not only those who tread her soil, but to those who stop in vessels within her harbours, we may hope that human rights will one day be respected and acknowledged even throughout our republic. Slavery in the United States is more repulsive in its features than in any country of ancient times. The *Helotes* of Sparta were less the property of individuals than of the Commonwealth; they were capable of acquiring estates; and could be enfranchised upon evidence of unmerciful treatment. In Crete, Egypt, and Rome, they had privileges which protected them from the tyranny of their masters. Among the Hebrews the Pentateuch required the liberation of a slave at the end of six years, and by the adoption of that part of the laws of Moses into the preamble to the code of Alfred, a longer period was prohibited among the Saxons. But with us the slave is completely subjected to the power of his legal owner—his servitude is interminable—and he transmits his degradation and misery to his posterity for ever.

While upon this subject it may not be improper to remove a charge affecting the fair fame of early Pennsylvania, but

more particularly the humane character of her Founder. I allude to his imputed, and no doubt, actual participation in the act of 1700, prescribing to *negroes* a peculiar trial and punishment. Those who have studied Penn's civil polity and laws must sensibly feel any injustice that may be done to either, exalted as is the lawgiver in the estimation of most, above Lycurgus or Numa, Charlemagne or Alfred. A few words, therefore, may be pardoned, since without some explanation, it might be deemed not only at variance with his usual forbearance and characteristical clemency, but a feature of peculiar rigour in our domestic system of slavery.

A very slight reflection will convince us that this act of the provincial legislature originated in a benevolent desire to assuage the miseries of unqualified servitude. Slavery, with much of its arbitrary cruelty, prevailed in Pennsylvania at that early period. Though the belief was formally expressed in 1696 by a few persons, that the institution was unjust, we may suppose the opinion neither universally obtained, nor greatly mitigated the hardships to which negroes had been exposed by the prevalence of a different doctrine. They were still subjected to the power of their unrelenting superiors—not merely as the ministers of a fickle and varying volition, but as the victims of a sore and oppressive tyranny. Notwithstanding the solicitude of many, and the active guardianship of some, in regard to their physical welfare, they seem, in particular cases, to have suffered from their unfeeling masters, thus constituted the absolute disposers of their happiness—the potent and uncontrolled arbiters of their destiny.

In bondage thus hopeless and unlimited, they became depraved in morals and low in intellect. To soften their hard fate, Penn was willing to substitute the provisions of legislative authority for the invidiousness of arbitrary or personal caprice—in a word, to restrain by legal prescription those who had defied it. Hence his acquiescence in the act of 1700. Though in its features it accorded with the erro-

neous opinions which prevailed respecting the ingenerate depravity of negroes, and the necessity of subjecting them to severe inflictions, it was intended *to be* and actually *proved* beneficial to their interests. In effect it palsied the uplifted arm of a cruel and despotic master by interposing the shield of legislative uniformity and certainty. That a regard to their welfare was the principle upon which it was ratified, is evident from the anxiety of Penn to alleviate their physical discomforts, and to arouse their moral and religious sensibilities. His efforts to engage in their behalf the more lively sympathy of Friends in a monthly meeting held at Philadelphia,* and his presentation of a bill to the assembly ‘for regulating negroes in their morals and marriages,’†—*both in the year 1700*—bear emphatic testimony to the philanthropy which dictated, and the motives which induced his concurrence in the act referred to, since it was presented to the assembly in the same year and about the same period.

(NOTE 3. p. 24.)—The distinction of murder into *degrees* was introduced into Pennsylvania by the act of 1794, and has subsequently found favour with Louisiana, Maryland, Ohio, Virginia, and perhaps some other states. The honour of originating it is perhaps ascribable to William Bradford, Esq. successively a federal Judge and Attorney-general of the United States and of this state, who wrote his ‘Enquiry’ in the year 1793. The penalty of death is affixed only to murder of the first degree which consists in the *intention to kill*, manifested by circumstances, or the use of a mortal weapon with malice prepense or aforethought; or in the attempt to perpetrate arson, or other heinous offences enumerated in the act. If the *intention* be not to terminate life but merely the infliction of some great corporal injury, the offence is reduced to murder of the second degree,

* Proud’s History of Pennsylvania, Vol. 1. p. 423.

† Gordon’s History of Pennsylvania, p. 115.

an offence which is punished in Pennsylvania by imprisonment.

(NOTE 4. p. 28.)—The eastern penitentiary received its first prisoner on the 25th of October 1829, and according to Dr. Bache's letter to Roberts Vaux, Esq. written a year ago, the average number of inmates for the previous six months might be stated at 32. Dr. Bache, whose professional connection with the prison enables him to speak with confidence and authority, says that "the entire seclusion of criminals from all association with their fellow criminals, is altogether compatible with their profitable employment at useful trades, and with the preservation of health." As Roseoc and La Fayette, the Prison Society of Boston and friends of Auburn, have united their voices against the humanity of the system of solitary labour, a very brief extract from Dr. Bache's letter referring to the treatment and conveniences of the prisoner, may be pardoned. "The criminal is placed in a room, well warmed and ventilated, quite adequate in dimensions for the sleeping and working apartment of one person, as it contains more than thirteen hundred cubic feet of space. He is furnished with sufficient clothing and a good bed, with wholesome but coarse food, and with the means of keeping his person neat and clean; and he enjoys the privilege, whenever the weather is favourable, of exercising one hour daily in his exercising yard. He is furnished besides with work, &c." This account comprises every peculiarity of his condition, except that he has frequent intercourse with his keeper, and with moral and religious persons, besides having access to suitable books. The intercourse between the criminal and those individuals who are permitted to approach him, is not inconsistent with such a species of solitude as is necessary to amendment. The society of his fellow prisoners is prohibited less for the purpose of punishment than because it will prove injurious to his moral health, and be subversive of the design to make him a useful member of society. Is

there a hope of future effort from that offender whose name is known and whose infamy is notorious among his fellow prisoners? Where will he seek refuge from the possibility of a visit from his fellow convicts and the consequent ruin of his credit for probity? The consciousness of a blasted character will paralyze the virtue that would redeem it. The number of inmates since the correspondence between Mr. Vaux and Dr. Bache has been gradually increasing, and now amounts to 77. *Neither insanity nor detriment to health has yet been discoverable, but on the contrary, not a case of mental ailment and few of bodily sickness have occurred.*

The notion of the great *expense* attending the mode of treatment, for which Roberts Vaux contended in the controversial discussion between him and William Roscoe of Liverpool, is very satisfactorily shown to be erroneous. I quote from Mr. Vaux's first letter:

“By separate confinement, other advantages of an economical nature will result; amongst these may be mentioned a great reduction of the terms of imprisonment: for, instead of from three to twenty *years*, and sometimes longer, as many *months*, excepting for very atrocious crimes, will answer all the ends of retributive justice and penitential experience, which on the actual plan, the greatest detention in prison altogether fails to accomplish.—Besides this abatement of expense in maintaining prisoners, very few keepers will be required on the new system, and as the females should be entrusted wholly to the custody of suitable individuals of their own sex, their services can of course be secured for less compensation than men. Such of the prisoners as may be employed, will necessarily labour alone, and the kinds of business in which they will be engaged, not being rough and exposing as those now adopted, the expenditure for clothing must be much diminished. On the score of cost, therefore, if that, indeed, be an object in a work of this magnitude, the solitary plan recommends itself

to the regard of the public economist. But *the problem of expense in my opinion, can only be truly solved, by showing the cheapest method of keeping prisoners to be, that which is most likely to reform them, to deter others by the imposing character of the punishment, from preying upon the honest and unoffending members of society, afterwards involving heavy judicial costs to establish their guilt—and becoming at last a charge to the country as convicted felons.*”

(NOTE 5. p. 30.)—The county bridges are not included in this estimate. Some have been constructed at an expense of from 30 to 40, and even 60,000 dollars.

(NOTE 6. p. 31.)—Reference is made in the text to George Washington Smith, Esq. whose minute and extensive acquaintance with the internal improvements of the country, is well known. He uses the following language in his ‘Notes, &c.’ published in the first volume of Hazard’s Register, on the subject of Pennsylvania’s first interesting the public mind upon turnpike roads and canals.

“Numerous letters are extant which are peculiarly interesting, not merely from the character of their writers, but for the perfect originality of the views contained in them. They prove beyond all possibility of doubt, that *the Union is indebted to Pennsylvania for the first introduction of canals and turnpikes to the public attention.* It has been the policy of some other states, not only to assume to themselves the credit of originating these means of commercial intercourse, but to add insult to injustice by ceaseless efforts to depreciate the enterprise of Pennsylvania in order to exalt their own reputation.”

(NOTE 7. p. 35.)—Several poets of inferior note are spoken of who lived about this time. David James Dove was a schoolmaster of Philadelphia and a dealer in the mi-

nor kind of satirical poetry. He taught about the period of the revolution, and is ludicrously introduced in a book entitled ‘The life and adventures of Chevalier Taylor.’ This Taylor be it remembered, is spoken of as a talker of Latin in Boswell’s life of Johnson.

Kinnesley was an English teacher and an Anabaptist Clergyman who lived about the same time, and from his devotion to electricity is thought to have contributed in no small degree to certain discoveries in the application of the principles of that science ascribed to Dr. Franklin.

John Beveridge contemporary with these was a classical teacher, whose Latin poetry published in 1765 has been commended for the mechanical correctness of the versification, but it is deficient in all that constitutes poetry. He was mean enough to solicit of Thomas Penn, a few of the many acres which the proprietor possessed on the shores of the Delaware, reminding him that Ajax, Æneas, and Mæcenas were immortalized by the strains of Homer, Virgil, and Horace. I quote the passage last alluded to in exemplification of the vanity which could suggest a parallel between the praises of those mighty geniuses and his own muse;

“ Quid foret Æneas, et magni nominis Ajax,
Atque alii quorum sunt nomina multa virorum;
Ni foret et vates divini carminis auctor
Mæonides, sacro qui primus vertice Pindi
Deduxit faciles Phœbo plaudente, Camœnas?

Vel quid Mæcenas, animi mentisque benignæ
Ni benefacta sui celebrasset carmen Horati,
Et Maro munificum cecinisset gratus amicum?” &c. &c.

Some of the ushers of this pedagogue were superior to himself. Patrick Alison, afterwards a Presbyterian Clergyman of Baltimore, of more than common reputation, James Wilson, afterwards a distinguished judge of the Supreme Court of the U. S., and John Andrews, afterwards Doctor Andrews of the University of Pennsylvania.

(NOTE 8. p. 36.)—The first Directors of the Philadelphia Library were Benjamin Franklin, William Parsons, Thomas Godfrey, Thomas Cadwalader, Robert Grace, Thomas Hopkinson, Philip Syng, Jun., Anthony Nicholas, John Jones, Jun., and Isaac Pennington. They were appointed in November 1731. In 1777 the institution was enriched by the munificent bequest of the Hon. James Logan, with 3944 volumes, most of them old authors of sterling merit. An act of the Legislature in 1791 annexed the Loganian to the Philadelphia Library, and the books were placed in the same building in May, 1794.

(NOTE 9. p. 37.)—‘The American Philosophical Society for promoting Useful Knowledge,’ was formed by the junction of two societies, the one called ‘The American Philosophical Society,’ and the other ‘The Junto, or Society for promoting Useful Knowledge.’ The former was instituted in 1743, and the latter was *in existence* in 1758. I perceive that Dr. Mease in his excellent ‘Picture of Philadelphia,’ has dated the origin of this society in 1766, but a minute-book of proceedings is extant reaching so far back as 1758, and it is probable the Junto had a still earlier commencement. The union was formed by combining the names of both associations, and exchanging lists of the members of each. The combination took place in December 1768, and Dr. Franklin was elected first President of the united society. It was incorporated in 1780. In 1816 a seventh committee on the history and antiquities of the state and country was added to those originally appointed, at the instance of the late Dr. Caspar Wistar.

Before this discourse went to press I diligently searched, but in vain, for the minutes of the Philosophical Society before its junction with the Junto. It is believed that these minutes are not now in existence. A learned friend has just put into my hands the following letter from Dr. Frank-

lin to the Hon. Cadwallader Colden, of Coldenham, relating to the first organization of the Society. By this letter it appears that the first President of the Philosophical Society was THOMAS HOPKINSON, father of the celebrated Francis Hopkinson, and grandfather of the present Judge Hopkinson of Philadelphia. I am informed it was originally published in 1812, in Dr. Hosack's American Medical and Philosophical Register—there is no doubt about its being genuine.

NEW YORK, April 5, 1744.

SIR—Happening to be in this city about some particular affairs, I have the pleasure of receiving yours of the 28th, past, here; and can now acquaint you, that the Society, as far as it relates to Philadelphia, is actually formed, and has had several meetings to mutual satisfaction. As soon as I get home, I shall send you a short account of what has been done and proposed at these meetings. The members are:

Dr. Thomas Bond, as Physician.

Mr. John Bartram, as Botanist.

Mr. Thomas Godfrey, as Mathematician.

Mr. Samuel Rhodes, as Mechanician.

Mr. William Parsons, as Geographer.

Dr. Phineas Bond, as General Nat. Philosopher.

Mr. Thomas Hopkinson, President.

Mr. William Coleman, Treasurer.

B. F——, Secretary.

To whom the following members have since been added, viz. Mr. Alexander, of New York; Mr. Morris, Ch. Justice of the Jerseys; Mr. Home, Secretary of do.; Mr. John Cox, of Trenton, and Mr. Martyn, of the same place.

Mr. Nicholls tells me of several other gentlemen of this city that incline to encourage the thing; and there are a number of others, in Virginia, Maryland, and the New-England Colonies, who we expect to join us, as soon as they are acquainted that the Society has begun to form itself. I am, Sir, with much respect, your most humble servant.

B. FRANKLIN.

The Hon. Cadwallader Colden, Esq.

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